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THE RESEARCH REVIEW

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The Conservation and Environment Committee

THE HOUSE RESEARCH DIVISION
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There were no bills on notice, but the **Agriculture Committee** did meet Tuesday to hear presentations from the University of Tennessee Institute of Agriculture.



Dr. DiPietro

Dr. Joseph DiPietro, Vice-President, gave an update on budget reductions and an overview report. He spoke on the UT's extension agent's role in investigating the growing number of livestock cruelty complaints, and believes it is time for a comprehensive review on the county agricultural extension agent's role due to resources diminishing. Dr. DiPietro also gave an

overview of UT's biofuels initiative. This program is committed to the development of switchgrass, the pilot biorefinery and the first commercial-scale cellulosic ethanol facility in Tennessee.

Dr. Jim Thompson, Dean of the College of Veterinary



Dr. Thompson

Medicine, spoke on the accreditation status of his college. It has been placed on limited accreditation status due to not meeting Standard 3: physical facilities and equipment. The College of Veterinary Medicine has a two-year window to address accreditation deficiencies. It is estimated that the capital needed to

address these concerns will be around \$21 million for UT.

Dr. Bill Brown, Dean of AgResearch, described the network of Research and Education Centers combined with County Extension offices that provide a front door to UTIA and UT across Tennessee. There are outstanding faculty programs in applied and fundamental science addressing agricultural and food systems, natural resource management challenges facing this state. Dr. Brown also spoke on Tennessee's low ranking among southern states when it comes to state appropriations invested in agriculture research and faculty.



Dr. Brown



children & family affairs

Amelia Mitchell

The **Children & Family Affairs Committee** met on Wednesday, February 25th and heard a presentation by the Administrative Office of the Courts regarding Guardian ad Litem. David Haines, General Counsel for the AOC gave the presentation.



Fam. Jus. Chair Bell

The **Family Justice Subcommittee** met on Tuesday, February 24th and heard the following bills:

The following bill passed to full committee as amended:

HB 804 by Rep. Campfield permits parents called to active military service that requires them to be out of state for more than 90 days to petition

the court to assign their visitation rights during their absence to another person approved by the court.

The following bill was deferred one week:

HB 202 by Rep. Dunn

The **Domestic Relations Subcommittee** met on Wednesday, February 25th and heard the following bills:

The following bill passed to full committee:

HB 805 by Rep. Campfield provides that a man proved by genetic testing not to be the father of child is not liable for child support after receipt of the paternity test.

The following bill was deferred two weeks:

HB 806 by Rep. Campfield grants a person who has been found not to be the biological father of a child to recover all child support payments from the mother or the actual biological father. If successful in that legal action, the bill requires the person to be awarded court costs and attorney fees.

commerce

Todd A. Staley, Esq.

The **Commerce Committee** had no bills on notice and did not meet.

Utilities and Banking Subcommittee

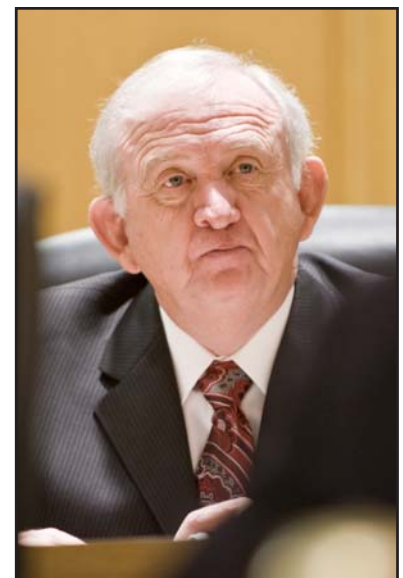
The **Utilities and Banking Subcommittee** had no bills on notice and did not meet.

Small Business Subcommittee

The **Small Business Subcommittee** met on Tuesday to consider one bill that was rolled until next week.

HB 644 (Montgomery) adds an additional requirement for a person to get a license to start their own private investigations business. Under a proposed amendment, the applicant must have at least two years experience in law enforcement or two years of experience working for

licensed private investigations company. Anyone possessing a license prior to the effective date of July 1, 2009 would be grandfathered-in should the bill pass. There was discussion of further amending the bill to include other types of experience, as well as making exceptions for individuals who just own the company and do not



Rep. Montgomery

perform private investigations themselves. The committee agreed to roll the bill one week in order to develop one all-inclusive amendment before sending the bill to full committee.
[rolled for one week]

Industrial Impact Subcommittee

The **Industrial Impact Subcommittee** no bills on notice and did not meet.

conservation & environment

Jeremy Maxwell



V.C. Tidwell, Chairman McCord

The Conservation and Environment Committee had no bills on notice Tuesday, but the Tennessee Forestry Commission did present their annual report and answer questions from committee members.

The Division of Forestry works to protect the forests that cover half the state and provides more than 60,000 jobs. Forests help promote clean water, wildlife habitat and recreation.

The Division of Forestry extinguishes the more than 2,500 fires that burn each year and helps control the diseases and insects that plague our forests. Since trees provide energy savings and storm water reduction and add scenic beauty, the division is also working to market the benefits of adding trees to urban areas.

Parks Subcommittee

The Parks Subcommittee did meet for organizational purposes and for a presentation. It heard a presentation

from Commissioner Jim Fyke, Department of Environment and Conservation. He gave an overview of Tennessee's fifty-three state parks and of the state's biodiversity. There was also discussion on the Heritage Conservation Trust Fund's projects and possible future projects.



Parks Chair Gilmore

Environment Subcommittee

The Environment Subcommittee did not meet this week.

Wildlife Subcommittee

The Wildlife Subcommittee did not meet this week.

consumer & employee affairs

Lucy Wilson

The **House Consumer & Employee Affairs Committee** did not meet this week, nor did the subcommittees. All three committees will meet next week.

The **House Consumer & Employee Affairs Committee** will meet next week Tuesday, March 3, 2009, to hear a presentation regarding fraud and abuse in the unemployment insurance fund. Al Smith, Assistant General Council, from the Department of Labor & Workforce Development, and James Brown, from the National Federation of Independent Business, will speak. The committee will meet at 3:00 p.m. in LP 29.

The **Consumer Affairs Subcommittee** will meet next week, Tuesday, March 3, 2009 to hear Mary Clement, Director of the Consumer Affairs Division in the Department of Commerce and Insurance. They will meet at 8:30 a.m. in LP 30.

The **Employee Affairs Subcommittee** will meet next week, Tuesday, March 3, 2009 to hear two bills. They will meet at 1:30 p.m. in LP 29.



education

staff

The **House Education Committee** had no bills on calendar this week, but met to hear a presentation by the Tennessee Higher Education Commission on Lottery Scholarships.

Dr. David Wright, Chief Policy Officer for THEC, gave a summary of the commission's annual report on the Education Lottery Scholarship Program. The state is now in its fifth year of the program, and by statute, THEC is responsible for monitoring and advising the General Assembly on the progress of the scholarship effort. Their presentation on Wednesday went over research and data analysis taken from program results.

The **Higher Education Subcommittee** and the **K-12 Subcommittee** did not meet this week.

finance, ways & means

Julie Travis & Patrick Boggs



The **House Finance, Ways & Means Committee** met on Tuesday, February 24, 2009 and considered the four bills on the agenda. All four bills were all passed out of the full committee and referred to Calendar and Rules. A brief summary follows below:

HB 74 (Matlock) – This bill changes how the state requires surety bonds to be issued when public funds are deposited, invested, or issued by an insurance company. It provides further flexibility by allowing more potential insurers the ability to issue surety bonds. As amended, the bill still requires continuous oversight by the State Treasurer of the insurer's financial standing.

HB 421 (Fitzhugh) – This bill allows the issuance of bonds for the Economic and Community Development projects: Volkswagen in Hamilton Co. and Hemlock



Chairman Fitzhugh

Semiconductor in Montgomery Co. It allows the issuance and sale of interest-bearing bonds and bond anticipation notes up to \$262 million: \$170 million is designated for the VW project, and \$92 million is designated for the Hemlock project. This is to provide for the acquisition, site preparation, erection, construction, and equipment of sites

and buildings, and infrastructure improvements and development.

HB 420 (Fitzhugh) – In tandem with HB 421, this bill pays for the first year's debt service (the 1st year's obligation of principal and interest) on the proposed bonds to be authorized for these two projects; these monies have to be set aside for payment prior to the bonds being issued, and for the retirement of those bonds. This also pays for project marketing and development already under agreement, and for industrial development capital outlay. The bill also gives Economic & Community Development monies for ongoing costs associated with the General Motors project in Spring Hill.

HB 418 (Fitzhugh) – This bill provides flexibility for the sale of general obligation bonds by extending the funding board's authority to sell bonds at private sale until June 30, 2011 (such authority had expired June 30, 2005). By doing this, and in recognition of present economic conditions nationwide, it gives the state the greatest flexibility with respect to issuing general obligation (G.O. bond) debt.

Budget Subcommittee

On Wednesday, February 25, 2009, the Budget Subcommittee met with three bills on its calendar and addendum. Two of which were deferred and one bill was referred to the full committee.

Passed to the full committee:

HJR 59 (Harmon)

– This resolution extends from February 15, 2009 to May 15, 2009, the deadline for the Joint Transportation Funding System Study Committee to report its findings and recommendations; and, as amended in the Transportation Committee, it requires the special study committee to



Budget Chair Tindell

meet on days when the House and Senate are otherwise meeting in session or committee.

Rolled Two Weeks:

HB 85 (Fraley)

Rolled Three Weeks:

HJR 3 (Kelsey)

government operations

Amber Rice

The **Government Operations Committee** met on February 25 to consider ten bills.



Chairlady Lynn

HB 986 by Rep. Lynn was taken off notice to allow Corrections Oversight to review the bill. **HB 991 by Rep. Lynn** was also taken off notice after a request was made by Rep. Mike Turner to hear from the Center for Earthquake Research and Information before giving the center an extension.

The remaining Sunset bills were moved to a consent calendar and passed out **to Calendar and Rules**. These bills are as follows.

HB 990 by Lynn - terminates Gibson County Water Projects Authority

HB 1071 by Lynn - extends Carroll County Watershed Authority to June 30, 2015

HB 1038 by Lynn - extends Tennessee Alzheimer's Disease Task Force to June 30, 2010

HB 1040 by Lynn- extends Tennessee Council for the Deaf and Hard of Hearing to June 30, 2015

HB 1048 by Lynn- extends Tennessee Sports Hall of Fame to June 30, 2016

HB 1087 by Lynn- extends Tennessee Code Commission to June 30, 2017

HB 1021 by Lynn- extends Employee Suggestion Award Board to June 30, 2016

HB 1070 by Lynn- extends Board of Standards to June 30, 2014

health & human resources

Judy Narramore

The **Health & Human Resources Committee** did not have bills on notice and did not meet.

Professional Occupations Subcommittee

The **Professional Occupations Subcommittee** held its



Rep. Moore

organizational meeting on Tuesday morning, February 24, 2009, with one bill on calendar. Chairman Harrison welcomed new and returning subcommittee members and recognized each member for introduction.

HB 0093 (Moore) as amended that revises existing statute to require nursing homes to

have criminal background checks completed on direct care employees prior to employment and to eliminate a nursing home's immunity from suit for terminating employment based upon information found in the criminal background check was referred to full committee.

Public Health & Family Assistance Subcommittee

The **Public Health & Family Assistance Subcommittee** held its *organizational meeting* on Tuesday afternoon, February 24, 2009, with two joint resolutions relative to abortion on calendar. Chairman Hensley offered welcoming remarks and recognized subcommittee members and staff for introductions.

The two House joint resolutions on calendar were rolled by Chairman Hensley to a future meeting that will be dedicated to abortion and abortion-related issues. At this time, a day certain for the meeting has not been determined.

Health Care Facilities Subcommittee

The **Health Care Facilities Subcommittee** did not have bills on notice and did not meet.

judiciary

staff



Chairman Coleman

The **House Judiciary Committee** held its meeting Wednesday morning, February 25th.

The only bill on calendar was **HB 1119**, codifying the acts of last year's legislative session. The bill was moved out to **Calendar and Rules**.

Speaker:

Jim White, Executive Director of the Fiscal Review Committee, made a return visit to Judiciary to clarify certain points made at the last meeting on calculating fiscal notes on incarceration costs and fine revenue. The corrections, reducing the costs of incarceration bills somewhat, will be reflected in revisions to the report made to the General Assembly last year.

The **Civil Practice and Procedure Subcommittee** met on Tuesday, February 24th with six bills on calendar.

Moved to Full Committee with a recommendation for passage:

HB 0416 (Lundberg) clarifies that lawyers in the executive and judicial branches of state government can voluntarily provide pro bono work through specified programs.



Civil Chair Kelsey

Rolled:

HB 0012 (Kelsey) was rolled two weeks. The bill provides that the publication requirement set forth by the Tennessee Constitution of a proposed constitutional amendment be satisfied if that amendment is timely posted on the official web site of the Secretary of State or the General Assembly.

HB 0062 (Fincher) was rolled one week. As introduced, it enacts the Tennessee Immigration Compliance Act.

HB 0063 (Fincher) was rolled one week. As introduced, it enacts the Tennessee Taxpayer and Citizen Protection Act.

Speakers:

The subcommittee also heard from two authorities who spoke to the question of what would happen if the Judicial Selection Commission and the Judicial Evaluation Commission were to sunset. Vanderbilt Law School Professor Brian Fitzpatrick and Executive Director Allan Ramsaur of the Tennessee Bar Association answered the committee's questions regarding appointment and retention.

The Criminal Practice and Procedure

Subcommittee met on Wednesday, February 25th with 15 bills on calendar.

Moved to Full Committee:

HB 0411 (Pitts) as introduced, creates a Class A misdemeanor offense when a person who is prohibited from possessing a firearm tries to buy a firearm, and when a person tries to sell a firearm to someone who is

HB 0083 (Shaw) adds retired General Sessions judges to those who may administer oaths of office to elected or appointed officials.

HB 0067 (Fincher) allows the court to award the party subpoenaed its reasonable attorneys fees and expenses incurred in defending against a quashed subpoena.

prohibited by law from possessing a firearm. The bill moves to full committee with an amendment that names the act "The Coach Willard Ross Act of 2009."

HB 0959 (Bass) makes certain information concerning handgun carry permit applications and renewals, as well as records maintained relative to those

applications and renewals, be made confidential. It creates a Class A misdemeanor, punishable by fine only, for unauthorized publishing of such information.

HB 0961 (Bell) authorizes a person with a handgun carry permit to have a firearm while on any refuge, while in any public hunting area, wildlife management area, or to the extent permitted by federal law, while on national forest land maintained by the state.

HB 0962 (Todd) authorizes a person with a handgun carry permit to have a firearm within the confines of a building open to the public that serves alcohol, as long as that person is not consuming such alcohol, and as long as the establishment is not an age-restricted venue.

HB 0716 (Niceley) authorizes a person with a handgun carry permit to have a firearm while within the boundaries of any state park.

HB 0414 (Windle) gives inmate relations coordinators under the Department of Corrections the same firearm carry rights as correctional officers. The sponsor explained that this was a personal safety issue for the coordinators; TDOC will regulate training.

HB 0254 (Casada) deletes the requirement that a purchaser of a firearm give a thumbprint; deletes the requirement that the TBI furnish firearm dealers with thumbprint cards and pads.

HB 0070 (Fincher) deletes the prohibition in the law against using deadly force in defense of property; it clarifies present law concerning the use of deadly force



Rep. Bass



Rep. Fincher

against a person who unlawfully enters, or attempts to enter, a place of business.

HB 0615 (Todd) makes confidential certain information furnished by a witness during the course of a governmental entity's investigation of a claim or charge - by or against any employee of an entity - for a violation of state or federal law or local ordinance.

The sponsor asked that the bill be moved to the full committee, but offered that he would not run the bill if parties related to the bill cannot work out differences.

HB 0516 (Matheny) with an amendment that makes the bill, expands the definition of "services" and creates an offense when one knowingly defrauds a housing authority when seeking public housing assistance and steals services.

Rolled:

HB 0082 (Shaw) authorizes current and retired judges who have a handgun permit to carry a weapon under the

same conditions as law enforcement officers and correctional officers. The bill was rolled one week to work on the amendment.

HB 0960 (Tindell), authorizes a person with a handgun carry permit to have a firearm in a local, state or federal park. The bill brought concerns from Commissioner James Fyke of the Department of Environment and Conservation that it may send the message that state parks are unsafe. Concerns were also voiced by Tim Ellis, Director of Parks and Recreation for the City of Goodlettsville. Vice Chair Sontany offered an amendment that takes out those parks under municipal and county operation. The bill was rolled one week to work on the amendment.

HB 0520 (Shaw) allows an inference that there has been the offense of simple possession of a controlled substance when that substance is found in lawfully-obtained blood of a defendant. The bill was rolled one week to clarify language.

HJR 0032 (West), rolled one week, creates a special joint committee to study Tennessee's gun laws.

HB 0314 (Matheny) provides that present law regarding scrap metal dealers and all rules issued by Commerce & Insurance preempts any other city, county or other political subdivision's regulation in the area of scrap metal. The bill was rolled two weeks.

state & local government

Lawrence Hall, Jr.

This week in the **State and Local Government** full committee **HB 419**, by Rep. M. Turner, was passed to Calendar and Rules. This bill, as amended, will allow state departments to take the following actions in the event of a reduction in work force:

- Preserve the current layoff procedures relative to **bumping** and **retreating**.
- Allow lateral transfers.
- Give the Commissioner of Children Services flexibility to protect employees outside of the Brian A. Consent Decree.

The committee also heard a presentation from the Office of Open Records Counsel regarding the office's role and responsibilities.

State Government Subcommittee heard eleven bills and passed four to full committee. The others were rolled to a later calendar. The following were passed to full committee.

HB 495 by Todd – Creates a state veteran's burial assistance fund to be administered by the Commissioner of Veterans Affairs. The funds shall consist of any funds from U.S. Veterans Affairs for plot allowance for burials of state veterans and dependents and any state appropriation or private donation.

HB 824 by Campfield – This bill limits members of the general assembly to one legislative out-of-state trip each year and one out-of-the-country legislative trip every

four years. This bill exempts both speakers of the house and senate.

HB 278 by Fincher – This bill designates “agate” as the official state mineral.

HB 580 by Fincher – Designates “milk” as the official state beverage.

Local Government Subcommittee had four bills on the calendar. Three bills were taken off notice and one was rolled for one week.

Elections Subcommittee did not meet this week.

transportation

Jeremy L. Elrod

The **House Transportation Committee** convened February 24, 2009 for a presentation from the Department of Safety on the current state of Driver Licenses, the Driver License computer system, and Driver License stations.

Rural Roads Subcommittee

The **Rural Roads Subcommittee** met February 24, 2009 to consider eight bills.

HB100 (Moore) and **HB342** (Moore) were taken off notice.

HB128 (Matheny) was rolled for one week.

The following bills were passed by the committee and referred to the full **Transportation Committee**:

HB213 (Harmon) – Names a segment of segment of S.R. 2 in Marion County “Sheriff Ernest Haskew Memorial Highway.”

HB216 (Harmon) – Names a segment of State Route 56 in Grundy County “Deputy Anthony Shane Tate Memorial Highway.”

HB231 (Todd) – Names a segment of State Route 176 (Getwell Road) in Shelby County “Jerry Lee Lewis Highway.”

HB298 (Pitts) – Names Dover Crossing in Clarksville Montgomery County “Charles ‘Chuck’ Duncheskie Memorial Parkway.”

HB509 (Coleman) – Names the bridge at the intersection of Interstate 24 and State Route 266 (Sam Ridley Parkway) in the Town of Smyrna “SPC Raymond Neal Mitchell III Memorial Bridge.”

Public Safety Subcommittee

The **Public Safety & Rural Roads Subcommittee** met February 24, 2009 to consider four bills.

HB366 (Matheny) was rolled one week.

The following bills were passed by the committee and referred to the full **Transportation Committee**:

HB452 (Dunn) – Extends the time period for Tennessee urban forestry council new specialty earmarked plates to meet minimum issuance requirements until July 1, 2010.

HB642 (Montgomery) – Authorizes issuance of The Lord’s Child new specialty earmarked plates and allocates 50% of funds produced from the plated to The Lord’s Child charity. An amendment was adopted to clarify that the funds are to be used exclusively to provide needed goods and services to at-risk or impoverished children and families in furtherance of The Lord’s Child charity’s principal mission.

HB646 (Montgomery) – Extends application deadline for Share the Road new specialty license plate until June 30, 2010.

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